

Message Text

CONFIDENTIAL

PAGE 01 OECD P 18421 01 OF 02 301743Z

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ACTION EB-11

INFO OCT-01 MC-02 EUR-25 DRC-01 RSC-01 ISO-00 EA-11 /052 W

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R 301709Z JUL 74

FM USMISSION OECD PARIS

TO SECSTATE WASH DC 3392

C O N F I D E N T I A L SECTION 01 OF 02 OECD PARIS 18421

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FOR EB/ITP/EWT - GREGORY

E.O. 11652: XGDS-1

TAGS: ESTC, COCOM, CH

SUBJECT: US KLYSTRON OSCILLATOR TUBES TO PRC - IL 1558

REFS: A. COCOM DOC (74) 370 AND STATE 164585

B. STATE 164584

C. COCOM DOC. (72) 1273

D. COCOM DOC. (72) 851

E. DOCOM DOC. (72) 1003

SUMMARY: USDEL BELIEVES INSTRUCTIONS FOR ANSWER TO UK QUESTIONS CONCERNING OUR SUBMISSION IN COCOM DOC. (74) 370 EMBODY A SIGNIFICANT DEPARTURE FROM OUR PREVIOUS STANDARDS REGRADING END-USE STATEMENTS. NOT ONLY ARE THEY UN-RESPONSIVE TO UK QUESTIONS. THEY SEEM ALSO TO BE A SHIFT FROM OUR POSITION REGARDING RISK OF DIVERSION TO MILITARY USES. END SUMMARY.

1. INSTRUCTIONS IN STATE 164584 HAVE BEEN RECEIVED AND STUDIED. BEFORE TRANSCRIBING THEM IN COCOM DOCUMENT, USDEL BELIEVES IT PRUDENT TO CALL TO DEPARTMENT'S ATTENTION OUR BELIEF THAT THIS MESSAGE CAN EASILY BE TAKEN BY OTHER DELEGATES AS A DEPARTURE FROM OUR PREVIOUS STANDARDS ON END-USE STATEMENTS.

2. UKDEL ASKED FOR ELABORATION OF "EDUCATIONAL
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PAGE 02 OECD P 18421 01 OF 02 301743Z

PURPOSES" FOR WHICH THE EQUIPMENT IN REF A WAS DESTINED.

STATE 164584 DOES NOT ANSWER THE QUESTION. IT DESCRIBES THE EDUCATIONAL AND SCIENTIFIC PURPOSES FOR WHICH THE TUBES ARE APPROPRIATE, AND STATES THAT THEY ARE COMMONLY FOUND IN UNIVERSITY LABORATORIES. IT DOES NOT SET FORTH THE SPECIFIC PURPOSE OR PURPOSES FOR WHICH THESE TUBES ARE TO BE USED BY THE END USER. IN THIS RESPECT THE CASE IS ON ALL FOURS WITH THE UK SAMPLING ADAPTOR CASE IN DOC. (72) 1273 (REF C). THERE, AFTER OBJECTION BY THE US ON GROUND THAT END-USE WAS VAGUE AND NOT SPECIFIED, THE UK ASKED RECONSIDERATION, CITING USE OF THAT ADAPTOR BY NUMBER OF UK UNIVERSITIES AND A NUMBER OF ESTABLISHED EDUCATIONAL PURPOSES FOR IT. US CONCURRED IN CORRECTNESS OF THESE ARGUMENTS, BUT REFUSED TO LIFT ITS OBJECTION, OBSERVING (STATE 64542) THAT "EDUCATIONAL INSTITUTIONS DO NOT PURCHASE SUCH EQUIPMENT, IN OUR VIEW, WITHOUT REFERENCE TO SPECIFIC END USES, WHICH UK HAS NOT DESCRIBED."

3. EQUALLY IN POINT ARE OSCILLOSCOPE CASES IN REFS D AND E. IN REF D WE OBJECTED BECAUSE OF VAGUENESS OF END-USE STATEMENT, AND REFUSED TO LIFT OUR OBJECTION. WE THEN SAID "IT WOULD BE UNREASONABLE AND INCONSISTENT TO APPROVE A CASE FOR SUCH EQUIPMENT IN WHICH THE END-USE INFORMATION HAS BEEN APPARENTLY SURMISED BY THE EXPORTING COUNTRY INSTEAD OF BEING STATED BY THE IMPORT-ING COUNTRY" (STATE 73307). IN REF E WE LIFTED OUR RESERVE ONLY BECAUSE SAFEGUARDS PRECLUDED DIVERSION.

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PAGE 01 OECD P 18421 02 OF 02 301755Z

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INFO OCT-01 MC-02 EUR-25 DRC-01 RSC-01 ISO-00 EA-11 /052 W
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C O N F I D E N T I A L SECTION 02 OF 02 OECD PARIS 18421

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4. IT MAY BE POINTED OUT, OF COURSE, THAT SMALL QUANTITY

INVOLVED AND NARROW FREQUENCY RANGE ARE INDICATIONS OF CIVIL END-USE AND REDUCE RISK OF DIVERSION. WHATEVER MERITS THAT ARGUMENT MAY HAVE, IT DOES NOT CHANGE FACT THAT WE ARE NOW ASKING THE COMMITTEE TO APPROVE A REQUEST IN WHICH THE END-USE STATEMENT IS AS VAGUE AS IT WAS IN THE TWO UK CASES TO WHICH WE OBJECTED.

5. WE ALSO CANNOT FAIL TO NOTE STATEMENTS IN LETTERED PARAGRAPHS OF STATE 164584 REGARDING RISK OF DIVERSION. THE POSITION APPARENTLY IS THAT, ALTHOUGH THE US ADMITS THAT A RISK OF DIVERSION EXISTS, SUCH DIVERSION WOULD BE "OF NO CONSEQUENCE" OR "A MINIMAL STRATEGIC RISK" IF IT OCCURRED. THIS, IT SEEMS TO US, IS A SHIFT IN OUR POSITION AND A NOT INSIGNIFICANT ONE, SINCE UNTIL NOW WE HAVE ALWAYS BASED OUR ARGUMENTS ON THE SLIGHTNESS OF THE RISK OF DIVERSION. WE NOW ALTER OUR STANCE AND SAY THAT EVEN THIS RISK IS ACCEPTABLE IF DIVERSION WOULD BE "OF NO CONSEQUENCE."

6. FOR THESE REASONS, USDEL BELIEVES THAT STATE 164584 OPENS A LARGE GAP IN WHAT HAS HITHERTO BEEN OUR POSITION ON A BASIC ELEMENT IN COCOM OPERATIONS. IT IS A GAP WHICH OTHER DELEGATIONS, AND ESPECIALLY THE UK, SHOULD QUICKLY NOTE AND MAY EXPLOIT. IT IS OF EVEN GREATER SIGNIFICANCE IN THE LIGHT OF THE DEBATES OF LAST YEAR (SEE THE HELICOPTER CASE IN (73) 292) OVER THE EXTENT OF END-USE INFORMATION WHICH SHOULD BE EXACTED OF THE CHINESE.

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PAGE 02 OECD P 18421 02 OF 02 301755Z

IN THAT DEBATE WE WERE ADAMANT IN INSISTING THAT THE SAME STANDARD SHOULD BE APPLIED TO THEM AS IS APPLIED TO EASTERN EUROPE.

7. DEPARTMENT'S COMMENTS ON THESE OBSERVATIONS ARE REQUESTED BEFORE WE ACT ON THIS LATEST INSTRUCTION. IF DESIRED, WE WILL REPEAT THIS MESSAGE IN EXCON SERIES.
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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: STRATEGIC TRADE CONTROLS, EXCEPTIONS LIST, ELECTRON TUBES, END USE CHECKS
Control Number: n/a
Copy: SINGLE
Draft Date: 30 JUL 1974
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: boyleja
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974OECDP18421
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: X1
Errors: N/A
Film Number: D740207-0089
From: OECD PARIS
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t1974076/aaaaaevv.tel
Line Count: 156
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EB
Original Classification: CONFIDENTIAL
Original Handling Restrictions: STADIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: STADIS
Reference: A. COCOM DOC (74) 370 AND STATE 1645, 85
Review Action: RELEASED, APPROVED
Review Authority: boyleja
Review Comment: n/a
Review Content Flags:
Review Date: 26 APR 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <26 APR 2002 by shawdg>; APPROVED <24 FEB 2003 by boyleja>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: US KLYSTRON OSCILLATOR TUBES TO PRC - IL 1558
TAGS: ESTC, CH, COCOM
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005